

1 GEORGE A. NICOUD III, SBN 106111
2 AUSTIN V. SCHWING, SBN 211696
3 ELI M. LAZARUS, SBN 284082
4 *aschwing@gibsondunn.com*
5 *tnicoud@gibsondunn.com*
6 *elazarus@gibsondunn.com*
7 **GIBSON, DUNN & CRUTCHER LLP**
8 *555 Mission Street, Suite 3000*
9 *San Francisco, CA 94105-0921*
10 *Telephone: 415.393.8200*
11 *Facsimile: 415.393.8306*

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MATTHEW PARROTT, SBN 302731
mparrott@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
3161 Michelson Drive
Irvine, CA 92612-4412
Telephone: 949.451.3800
Facsimile: 949.451.4220
Attorneys for Defendants NEC TOKIN Corporation
and NEC TOKIN America, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE CAPACITORS ANTITRUST
LITIGATION

Master File No.: 3:14-cv-03264-JD

THIS DOCUMENT RELATES TO: ALL
DIRECT PURCHASER ACTIONS

**ANSWER AND AFFIRMATIVE DEFENSES
OF NEC TOKIN AMERICA, INC. TO
SECOND AMENDED CONSOLIDATED
COMPLAINT**

Pursuant to Rules 8 and 12 of the Federal Rules of Civil Procedure, NEC TOKIN AMERICA, INC. (“NEC TOKIN AMERICA”) respectfully submits this Answer and Affirmative Defenses to the Direct Purchaser Plaintiffs’ (“Plaintiffs”) Second Amended Consolidated Class Action Complaint (“the Complaint”). Although Flextronics International USA, Inc. (“Flextronics”) has filed a joint Complaint with the Direct Purchaser Plaintiffs, Flextronics has not named NEC TOKIN AMERICA as a defendant, and therefore NEC TOKIN AMERICA is under no obligation to respond to Flextronics’ allegations. To the extent that a response is necessary, NEC TOKIN AMERICA denies each allegation of and/or related to Flextronics. NEC TOKIN AMERICA also reserves all rights against Flextronics in the event that Flextronics attempts to name NEC TOKIN AMERICA as a defendant in this or any other action, including but not limited to its right to compel arbitration.

With respect to Plaintiffs’ allegations stated in the numbered paragraphs of the Complaint, NEC TOKIN AMERICA states as follows:

I. NATURE OF THE ACTION

1. NEC TOKIN AMERICA admits that Plaintiffs purport to bring this civil action asserting antitrust claims on behalf of certain entities. NEC TOKIN AMERICA further admits that it has sold certain capacitors. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies the remaining allegations in this paragraph of the Complaint.

2. NEC TOKIN AMERICA admits that electrical current flowing through a circuit, including a PCB, allows electrical devices to perform their functions and that some electrical devices use capacitors, but otherwise denies the allegations in this paragraph of the Complaint.

3. NEC TOKIN AMERICA admits the allegations in this paragraph of the Complaint provide a general description of electrical circuits and the use of capacitors, but otherwise denies the allegations in this paragraph of the Complaint.

4. NEC TOKIN AMERICA admits that demand for some electrical components has increased as demand for consumer electronics technology has increased. NEC TOKIN AMERICA

1 lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations
2 in this paragraph of the Complaint and on that basis denies them.

3 5. NEC TOKIN AMERICA admits that many capacitors are relatively inexpensive on a
4 per-unit basis, but otherwise denies the allegations in this paragraph of the Complaint.

5 6. NEC TOKIN AMERICA admits that many capacitors are relatively inexpensive on a
6 per-unit basis, but otherwise denies the allegations in this paragraph of the Complaint.

7 7. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
8 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
9 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
10 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
11 them.

12 8. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
13 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
14 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
15 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
16 them.

17 9. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
18 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
19 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
20 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
21 them.

22 10. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
23 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
24 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
25 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
26 them.

27 11. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
28 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than

1 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
2 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
3 them.

4 12. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
5 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
6 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
7 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
8 them.

9 13. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
11 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
12 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
13 them.

14 14. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
15 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
16 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
17 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
18 them.

19 15. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
20 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
21 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
22 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
23 them.

24 16. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
25 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
26 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
27 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
28 them.

1 17. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
3 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
4 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
5 them. To the extent that this paragraph of the Complaint states allegations by Flextronics, NEC
6 TOKIN AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA,
7 and therefore no response is necessary.

8 18. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
9 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
10 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
11 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
12 them.

13 19. This paragraph of the Complaint sets forth legal conclusions to which no response is
14 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
15 information sufficient to form a belief about the truth of the allegations in this paragraph of the
16 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
17 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
18 NEC TOKIN AMERICA denies them.

19 20. This paragraph of the Complaint sets forth legal conclusions to which no response is
20 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
21 information sufficient to form a belief about the truth of the allegations in this paragraph of the
22 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
23 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
24 NEC TOKIN AMERICA denies them.

25 21. This paragraph of the Complaint sets forth legal conclusions to which no response is
26 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
27 information sufficient to form a belief about the truth of the allegations in this paragraph of the
28 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.

1 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
2 NEC TOKIN AMERICA denies them.

3 22. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
4 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
5 therefore no response is necessary.

6 23. This paragraph of the Complaint sets forth legal conclusions to which no response is
7 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
8 information sufficient to form a belief about the truth of the allegations and on that basis denies them.

9 24. This paragraph of the Complaint sets forth legal conclusions to which no response is
10 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
11 information sufficient to form a belief about the truth of the allegations in this paragraph of the
12 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
13 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
14 NEC TOKIN AMERICA denies them.

15 25. This paragraph of the Complaint sets forth legal conclusions to which no response is
16 required. To the extent that a response is required, NEC TOKIN AMERICA admits that the United
17 States Department of Justice has instituted an investigation regarding certain capacitors. NEC
18 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
19 allegations in this paragraph of the Complaint relating to defendants other than NEC TOKIN
20 AMERICA and on that basis denies them. To the extent the allegations in this paragraph of the
21 Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies them.

22 26. This paragraph of the Complaint sets forth legal conclusions to which no response is
23 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
24 information sufficient to form a belief about the truth of the allegations in this paragraph of the
25 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
26 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
27 NEC TOKIN AMERICA denies them.

1 27. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

3 28. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

5 29. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

7 30. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
8 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

9 31. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
10 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
11 therefore no response is necessary.

12 32. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
13 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

14 33. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
15 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

16 34. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
17 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

18 35. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
19 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

20 36. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
21 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

22 37. NEC TOKIN AMERICA admits that NEC TOKIN Corporation (“NEC TOKIN”) is a
23 corporation organized under the laws of Japan, that KEMET Electronics Corporation and NEC
24 Corporation or its affiliates are its shareholders, and that its principal place of business 7-1,
25 Kohriyama 6-chome, Taihaku-ku, Sendaishi Miyagi 982-8510, Japan. NEC TOKIN AMERICA
26 further admits that it sold and distributed certain tantalum capacitors in the United States, but
27 otherwise denies the allegations in this paragraph of the Complaint.
28

1 38. NEC TOKIN AMERICA admits that it is a California corporation, a wholly owned
2 subsidiary of NEC TOKIN, and currently has its principal place of business at 2460 North First
3 Street, Suite 220, San Jose, California 95131. NEC TOKIN AMERICA further admits that it sold or
4 delivered to purchasers in the United States certain tantalum capacitors manufactured by NEC
5 TOKIN, but otherwise denies the allegations in this paragraph of the Complaint.

6 39. NEC TOKIN AMERICA admits that the Complaint purports to set forth a definition
7 of “NEC TOKIN,” but otherwise denies the allegations in this paragraph of the Complaint, and
8 further notes that “NEC TOKIN” as used in this Answer and Affirmative Defenses does not match
9 plaintiffs’ definition of “NEC TOKIN.”

10 40. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
11 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

12 41. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
13 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

14 42. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
15 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

16 43. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
17 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

18 44. NEC TOKIN AMERICA admits that the Complaint purports to set forth a definition
19 of “KEMET,” but otherwise denies the allegations in this paragraph of the Complaint.

20 45. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
21 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

22 46. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
23 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

24 47. NEC TOKIN AMERICA admits that the Complaint purports to set forth a definition
25 of “Nippon Chemi-Con,” but otherwise denies the allegations in this paragraph of the Complaint.

26 48. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
27 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.
28

1 49. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

3 50. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

5 51. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

7 52. NEC TOKIN AMERICA admits that the Complaint purports to set forth a definition
8 of “Hitachi,” but otherwise denies the allegations in this paragraph of the Complaint.

9 53. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

11 54. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
12 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

13 55. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
14 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

15 56. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
16 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

17 57. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
18 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

19 58. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
20 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

21 59. NEC TOKIN AMERICA admits that the Complaint purports to set forth a definition
22 of “Nichicon,” but otherwise denies the allegations in this paragraph of the Complaint.

23 60. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
24 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

25 61. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
26 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

27 62. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
28 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

63. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

64. NEC TOKIN AMERICA admits that the Complaint purports to set forth a definition of “Rubycon,” but otherwise denies the allegations in this paragraph of the Complaint.

65. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

66. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

67. NEC TOKIN AMERICA admits that the Complaint purports to set forth a definition of “ELNA,” but otherwise denies the allegations in this paragraph of the Complaint.

68. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

69. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

70. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

71. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

72. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

73. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

74. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

75. NEC TOKIN AMERICA admits that the Complaint purports to set forth a definition of “Holy Stone,” but otherwise denies the allegations in this paragraph of the Complaint.

76. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

1 77. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

3 78. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

5 79. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

7 80. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
8 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

9 81. NEC TOKIN AMERICA admits that the Complaint purports to set forth a definition
10 of “ROHM,” but otherwise denies the allegations in this paragraph of the Complaint.

11 82. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
12 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

13 83. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
14 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

15 84. NEC TOKIN AMERICA admits that the Complaint purports to set forth a definition
16 of “Okaya,” but otherwise denies the allegations in this paragraph of the Complaint.

17 85. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
18 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

19 86. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
20 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

21 87. NEC TOKIN AMERICA admits that the Complaint purports to set forth a definition
22 of “Taitso,” but otherwise denies the allegations in this paragraph of the Complaint.

23 88. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
24 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

25 89. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
26 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

27 90. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
28 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

1 91. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

3 92. NEC TOKIN AMERICA admits that the Complaint purports to set forth a definition
4 of “Shinyei,” but otherwise denies the allegations in this paragraph of the Complaint.

5 93. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

7 94. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
8 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

9 95. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

11 96. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
12 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

13 97. NEC TOKIN AMERICA admits that the Complaint purports to set forth a definition
14 of “Soshin,” but otherwise denies the allegations in this paragraph of the Complaint.

15 98. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
16 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

17 99. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
18 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

19 100. NEC TOKIN AMERICA admits that the Complaint purports to set forth a definition
20 of “Shizuki,” but otherwise denies the allegations in this paragraph of the Complaint.

21 101. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
22 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
23 therefore no response is necessary.

24 102. This paragraph of the Complaint sets forth legal conclusions to which no response is
25 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
26 information sufficient to form a belief about the truth of the allegations in this paragraph of the
27 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
28

1 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
2 NEC TOKIN AMERICA denies them.

3 103. This paragraph of the Complaint sets forth legal conclusions to which no response is
4 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
5 information sufficient to form a belief about the truth of the allegations in this paragraph of the
6 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
7 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
8 NEC TOKIN AMERICA denies them.

9 104. This paragraph of the Complaint sets forth legal conclusions to which no response is
10 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
11 information sufficient to form a belief about the truth of the allegations in this paragraph of the
12 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
13 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
14 NEC TOKIN AMERICA denies them.

15 105. This paragraph of the Complaint sets forth legal conclusions to which no response is
16 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
17 information sufficient to form a belief about the truth of the allegations in this paragraph of the
18 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
19 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
20 NEC TOKIN AMERICA denies them.

21 106. This paragraph of the Complaint sets forth legal conclusions to which no response is
22 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
23 information sufficient to form a belief about the truth of the allegations in this paragraph of the
24 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
25 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
26 NEC TOKIN AMERICA denies them.

1 107. This paragraph of the Complaint sets forth legal conclusions to which no response is
2 required. To the extent that a response is required, NEC TOKIN AMERICA denies that a class
3 action is appropriate and denies any allegations in this paragraph of the Complaint.

4 108. This paragraph of the Complaint sets forth legal conclusions to which no response is
5 required. To the extent that a response is required, NEC TOKIN AMERICA denies that a class
6 action is appropriate and denies any allegations in this paragraph of the Complaint.

7 109. This paragraph of the Complaint sets forth legal conclusions to which no response is
8 required. To the extent that a response is required, NEC TOKIN AMERICA denies that a class
9 action is appropriate and denies any allegations in this paragraph of the Complaint.

10 110. This paragraph of the Complaint sets forth legal conclusions to which no response is
11 required. To the extent that a response is required, NEC TOKIN AMERICA denies that a class
12 action is appropriate and denies any allegations in this paragraph of the Complaint.

13 111. This paragraph of the Complaint sets forth legal conclusions to which no response is
14 required. To the extent that a response is required, NEC TOKIN AMERICA denies that a class
15 action is appropriate and denies any allegations in this paragraph of the Complaint.

16 112. This paragraph of the Complaint sets forth legal conclusions to which no response is
17 required. To the extent that a response is required, NEC TOKIN AMERICA denies that a class
18 action is appropriate and denies any allegations in this paragraph of the Complaint.

19 113. This paragraph of the Complaint sets forth legal conclusions to which no response is
20 required. To the extent that a response is required, NEC TOKIN AMERICA denies that a class
21 action is appropriate and denies any allegations in this paragraph of the Complaint.

22 114. This paragraph of the Complaint sets forth legal conclusions to which no response is
23 required. To the extent that a response is required, NEC TOKIN AMERICA denies that a class
24 action is appropriate and denies any allegations in this paragraph of the Complaint.

25 115. This paragraph of the Complaint sets forth legal conclusions to which no response is
26 required. To the extent that a response is required, NEC TOKIN AMERICA denies that a class
27 action is appropriate and denies any allegations in this paragraph of the Complaint.
28

1 116. This paragraph of the Complaint sets forth legal conclusions to which no response is
2 required. To the extent that a response is required, NEC TOKIN AMERICA denies that a class
3 action is appropriate and denies any allegations in this paragraph of the Complaint.

4 117. This paragraph of the Complaint sets forth legal conclusions to which no response is
5 required. To the extent that a response is required, NEC TOKIN AMERICA denies that a class
6 action is appropriate and denies any allegations in this paragraph of the Complaint.

7 118. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
8 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
9 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
10 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA admits that
11 it sold or delivered certain tantalum capacitors to purchasers in the United States, but otherwise
12 denies the allegations in this paragraph of the Complaint.

13 119. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
14 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
15 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
16 paragraph of the Complaint relate to NEC TOKIN America, Inc., NEC TOKIN AMERICA admits
17 that it sold or delivered certain tantalum capacitors to purchasers in the United States, but otherwise
18 denies the allegations in this paragraph of the Complaint.

19 120. This paragraph of the Complaint sets forth legal conclusions to which no response is
20 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
21 information sufficient to form a belief about the truth of the allegations in this paragraph of the
22 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
23 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
24 NEC TOKIN AMERICA denies them.

25 121. This paragraph of the Complaint sets forth legal conclusions to which no response is
26 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
27 information sufficient to form a belief about the truth of the allegations in this paragraph of the
28 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.

1 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
2 NEC TOKIN AMERICA denies them.

3 122. This paragraph of the Complaint sets forth legal conclusions to which no response is
4 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
5 information sufficient to form a belief about the truth of the allegations in this paragraph of the
6 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
7 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
8 NEC TOKIN AMERICA denies them.

9 123. This paragraph of the Complaint sets forth legal conclusions to which no response is
10 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
11 information sufficient to form a belief about the truth of the allegations in this paragraph of the
12 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
13 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
14 NEC TOKIN AMERICA denies them.

15 124. This paragraph of the Complaint sets forth legal conclusions to which no response is
16 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
17 information sufficient to form a belief about the truth of the allegations in this paragraph of the
18 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
19 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
20 NEC TOKIN AMERICA denies them.

21 125. This paragraph of the Complaint sets forth legal conclusions to which no response is
22 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
23 information sufficient to form a belief about the truth of the allegations in this paragraph of the
24 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
25 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
26 NEC TOKIN AMERICA denies them.

27 126. This paragraph of the Complaint sets forth legal conclusions to which no response is
28 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or

1 information sufficient to form a belief about the truth of the allegations in this paragraph of the
2 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
3 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
4 NEC TOKIN AMERICA denies them.

5 127. This paragraph of the Complaint sets forth legal conclusions to which no response is
6 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
7 information sufficient to form a belief about the truth of the allegations in this paragraph of the
8 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
9 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
10 NEC TOKIN AMERICA denies them. To the extent this paragraph of the Complaint states
11 allegations by Flextronics, NEC TOKIN AMERICA states that Flextronics has not brought a claim
12 against NEC TOKIN AMERICA, and therefore no response is necessary.

13 128. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
14 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
15 the Complaint.

16 129. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
17 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
18 the Complaint.

19 130. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
20 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
21 the Complaint.

22 131. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
23 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

24 132. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
25 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
26 the Complaint.

1 133. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
2 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
3 the Complaint.

4 134. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
5 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
6 the Complaint.

7 135. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
8 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
9 the Complaint.

10 136. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
11 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
12 the Complaint.

13 137. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
14 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
15 the Complaint.

16 138. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
17 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
18 the Complaint.

19 139. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
20 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
21 the Complaint.

22 140. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
23 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
24 the Complaint.

25 141. NEC TOKIN AMERICA admits that this paragraph of the Complaint states how
26 Plaintiffs use the phrase “aluminum capacitors” in the Complaint, but otherwise denies the
27 allegations in this paragraph of the Complaint.
28

1 142. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
2 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
3 the Complaint.

4 143. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
5 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
6 the Complaint.

7 144. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
8 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
9 the Complaint.

10 145. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
11 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
12 the Complaint.

13 146. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
14 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
15 the Complaint.

16 147. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
17 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
18 the Complaint.

19 148. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
20 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
21 the Complaint.

22 149. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
23 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
24 the Complaint.

25 150. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
26 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
27 the Complaint.
28

1 151. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
2 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
3 the Complaint.

4 152. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
5 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
6 the Complaint.

7 153. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
8 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
9 the Complaint.

10 154. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
11 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
12 the Complaint.

13 155. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
14 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

15 156. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
16 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
17 the Complaint.

18 157. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
19 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

20 158. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
21 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
22 the Complaint.

23 159. NEC TOKIN AMERICA admits that this paragraph provides an overly simplistic,
24 over-generalized description of capacitors, but otherwise denies the allegations in this paragraph of
25 the Complaint.

26 160. NEC TOKIN AMERICA admits that there are various types of direct purchasers of
27 capacitors, including those described in this paragraph of the Complaint. NEC TOKIN AMERICA
28

1 lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations
2 in this paragraph of the Complaint and on that basis denies them.

3 161. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

5 162. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

7 163. NEC TOKIN AMERICA admits that capacitors are used in many types of electronic
8 circuits and that demand for consumer electronics indirectly accounts for a substantial portion of the
9 global demand for capacitors. NEC TOKIN AMERICA lacks knowledge or information sufficient to
10 form a belief about the truth of the remaining allegations in this paragraph of the Complaint and on
11 that basis denies them.

12 164. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
13 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

14 165. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
15 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

16 166. NEC TOKIN AMERICA admits that some electrical circuits have been designed to
17 incorporate ceramic capacitors. NEC TOKIN AMERICA lacks knowledge or information sufficient
18 to form a belief about the truth of the remaining allegations in this paragraph of the Complaint and on
19 that basis denies them.

20 167. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
21 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

22 168. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
23 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

24 169. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
25 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
26 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
27 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
28 them.

1 170. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
3 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
4 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA admits that
5 it sold tantalum capacitors during the alleged Class Period, but otherwise denies the allegations in this
6 paragraph of the Complaint.

7 171. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
8 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

9 172. NEC TOKIN AMERICA admits that some capacitors are, in some circumstances,
10 interchangeable with some other capacitors. NEC TOKIN AMERICA lacks knowledge or
11 information sufficient to form a belief about the truth of the remaining allegations in this paragraph of
12 the Complaint and on that basis denies them.

13 173. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
14 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
15 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
16 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA admits that
17 some capacitors are sometimes interchangeable with some other capacitors, but otherwise denies the
18 allegations in this paragraph of the Complaint.

19 174. NEC TOKIN AMERICA admits that capacitors are necessary for the function of some
20 electric circuits. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
21 about the truth of the remaining allegations in this paragraph of the Complaint and on that basis
22 denies them.

23 175. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
24 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
25 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
26 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
27 them.
28

1 176. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

3 177. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
5 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
6 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
7 them.

8 178. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
9 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
10 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
11 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
12 them.

13 179. The allegations of this paragraph of the Complaint set forth legal conclusions, to
14 which no response is required. To the extent that a response is required, NEC TOKIN AMERICA
15 admits that discovery is underway in this case. NEC TOKIN AMERICA lacks knowledge or
16 information sufficient to form a belief about the truth of the allegations in this paragraph of the
17 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
18 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
19 NEC TOKIN AMERICA denies them.

20 180. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
21 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
22 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
23 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
24 them.

25 181. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
26 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
27 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
28

1 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
2 them.

3 182. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
5 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
6 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
7 them.

8 183. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
9 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
10 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
11 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
12 them.

13 184. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
14 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
15 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
16 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
17 them.

18 185. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
19 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
20 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
21 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
22 them.

23 186. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
24 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
25 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
26 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
27 them.
28

1 187. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
3 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
4 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
5 them.

6 188. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
7 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
8 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
9 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
10 them.

11 189. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
12 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
13 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
14 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
15 them.

16 190. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
17 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
18 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
19 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
20 them.

21 191. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
22 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
23 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
24 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
25 them.

26 192. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
27 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
28 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this

1 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
2 them.

3 193. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
5 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
6 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
7 them.

8 194. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
9 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
10 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
11 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
12 them.

13 195. This paragraph of the Complaint sets forth legal conclusions to which no response is
14 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
15 information sufficient to form a belief about the truth of the allegations in this paragraph of the
16 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
17 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
18 NEC TOKIN AMERICA denies them.

19 196. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
20 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
21 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
22 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
23 them.

24 197. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
25 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
26 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
27 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
28 them.

1 198. This paragraph of the Complaint sets forth legal conclusions to which no response is
2 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
3 information sufficient to form a belief about the truth of the allegations in this paragraph of the
4 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
5 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
6 NEC TOKIN AMERICA denies them.

7 199. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
8 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
9 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
10 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
11 them.

12 200. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
13 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
14 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
15 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
16 them.

17 201. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
18 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
19 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
20 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
21 them.

22 202. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
23 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
24 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
25 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
26 them.

27 203. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
28 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than

1 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
2 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
3 them.

4 204. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
5 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
6 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
7 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
8 them.

9 205. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
11 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
12 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
13 them.

14 206. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
15 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
16 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
17 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
18 them.

19 207. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
20 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
21 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
22 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
23 them.

24 208. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
25 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
26 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
27 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
28 them.

1 209. To the extent that this paragraph of the Complaint is referencing documents, those
2 documents state whatever they state. NEC TOKIN AMERICA lacks knowledge or information
3 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
4 to defendants other than NEC TOKIN AMERICA and on that basis denies them. To the extent the
5 allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN
6 AMERICA denies them.

7 210. To the extent that this paragraph of the Complaint is referencing documents, those
8 documents state whatever they state. NEC TOKIN AMERICA lacks knowledge or information
9 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
10 to defendants other than NEC TOKIN AMERICA and on that basis denies them. To the extent the
11 allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN
12 AMERICA denies them.

13 211. This paragraph of the Complaint sets forth legal conclusions to which no response is
14 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
15 information sufficient to form a belief about the truth of the allegations in this paragraph of the
16 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
17 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
18 NEC TOKIN AMERICA denies them.

19 212. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
20 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
21 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
22 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
23 them. To the extent this paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
24 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
25 therefore no response is necessary.

26 213. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
27 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
28 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this

1 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
2 them.

3 214. This paragraph of the Complaint sets forth legal conclusions to which no response is
4 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
5 information sufficient to form a belief about the truth of the allegations in this paragraph of the
6 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
7 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
8 NEC TOKIN AMERICA denies them.

9 215. This paragraph of the Complaint sets forth legal conclusions to which no response is
10 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
11 information sufficient to form a belief about the truth of the allegations in this paragraph of the
12 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
13 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
14 NEC TOKIN AMERICA denies them.

15 216. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
16 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
17 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
18 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
19 them.

20 217. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
21 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
22 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
23 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
24 them.

25 218. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
26 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
27 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
28

1 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
2 them.

3 219. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
5 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
6 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
7 them.

8 220. To the extent that this paragraph of the Complaint is referencing documents, those
9 documents state whatever they state. NEC TOKIN AMERICA lacks knowledge or information
10 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
11 to defendants other than NEC TOKIN AMERICA and on that basis denies them. To the extent the
12 allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN
13 AMERICA denies them.

14 221. To the extent that this paragraph of the Complaint is referencing documents, those
15 documents state whatever they state. NEC TOKIN AMERICA lacks knowledge or information
16 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
17 to defendants other than NEC TOKIN AMERICA and on that basis denies them. To the extent the
18 allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN
19 AMERICA denies them.

20 222. To the extent that this paragraph of the Complaint is referencing documents, those
21 documents state whatever they state. NEC TOKIN AMERICA lacks knowledge or information
22 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint relating
23 to companies not named as defendants and defendants other than NEC TOKIN AMERICA and on
24 that basis denies them. To the extent the allegations in this paragraph of the Complaint relate to NEC
25 TOKIN, NEC TOKIN AMERICA admits that NEC TOKIN has had commercial dealings with
26 KEMET Electronics Corporation, but otherwise denies the allegations in this paragraph of the
27 Complaint.
28

1 223. NEC TOKIN AMERICA admits that KEMET Electronics Corporation owns shares of
2 NEC TOKIN, but otherwise denies the allegations in this paragraph of the Complaint.

3 224. To the extent that this paragraph of the Complaint is referencing documents, those
4 documents state whatever they state. NEC TOKIN AMERICA admits that KEMET Electronics
5 Corporation owns shares of NEC TOKIN and has approximately a 34% economic interest and a 51%
6 voting interest in NEC TOKIN, with the remaining voting and economic interests being held by NEC
7 Corporation or affiliates of NEC Corporation, but otherwise denies the allegations in this paragraph
8 of the Complaint.

9 225. To the extent that this paragraph of the Complaint is referencing documents, those
10 documents state whatever they state. NEC TOKIN AMERICA lacks knowledge or information
11 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint and on
12 that basis denies them.

13 226. To the extent that this paragraph of the Complaint is referencing documents, those
14 documents state whatever they state. NEC TOKIN AMERICA lacks knowledge or information
15 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint and on
16 that basis denies them.

17 227. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
18 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

19 228. NEC TOKIN AMERICA admits that NEC TOKIN and it have a supply relationship
20 with KEMET Electronics Corporation, including capacitors. To the extent that this paragraph is
21 purporting to quote from a document, that document says what it says. NEC TOKIN AMERICA
22 otherwise denies the allegations in this paragraph of the Complaint.

23 229. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
24 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
25 NEC TOKIN AMERICA and on that basis denies them. NEC TOKIN AMERICA admits that it and
26 KEMET Electronics Corporation supply some products to one another, but otherwise denies the
27 allegations in this paragraph of the Complaint.
28

1 230. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
3 NEC TOKIN AMERICA and on that basis denies them. NEC TOKIN AMERICA admits that it and
4 KEMET Electronics Corporation supply some products to one another, but otherwise denies the
5 allegations in this paragraph of the Complaint.

6 231. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
7 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
8 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
9 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
10 them.

11 232. NEC TOKIN AMERICA admits that KEMET Electronics Corporation has an
12 approximately 51% voting interest of NEC TOKIN's stock, and admits that NEC Corporation
13 previously held a majority voting interest of NEC TOKIN's stock, but otherwise denies the
14 allegations in this paragraph of the Complaint.

15 233. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
16 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
17 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
18 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
19 them.

20 234. This paragraph of the Complaint sets forth legal conclusions to which no response is
21 required. To the extent that a response is required, NEC TOKIN AMERICA denies the allegations of
22 this paragraph of the Complaint.

23 235. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
24 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

25 236. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
26 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
27 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
28

1 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
2 them.

3 237. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
5 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
6 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA admits that
7 it sold certain tantalum capacitors in the United States, but otherwise denies the allegations in this
8 paragraph of the Complaint.

9 238. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
11 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
12 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
13 them.

14 239. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
15 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
16 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
17 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA admits that
18 NEC TOKIN had the ability to control the price of tantalum capacitors sold by NEC TOKIN
19 AMERICA but otherwise denies the allegations in this paragraph of the Complaint.

20 240. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
21 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
22 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
23 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA admits that
24 NEC TOKIN had the ability to control the price of tantalum capacitors sold by NEC TOKIN
25 AMERICA but otherwise denies the allegations in this paragraph of the Complaint.

26 241. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
27 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.
28

1 242. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

3 243. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

5 244. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

7 245. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
8 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

9 246. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

11 247. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
12 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

13 248. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
14 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

15 249. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
16 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

17 250. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
18 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

19 251. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
20 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

21 252. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
22 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

23 253. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
24 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

25 254. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
26 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

27 255. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
28 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

1 256. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

3 257. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

5 258. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

7 259. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
8 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

9 260. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

11 261. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
12 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

13 262. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
14 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

15 263. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
16 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

17 264. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
18 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

19 265. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
20 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

21 266. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
22 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

23 267. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
24 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

25 268. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
26 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

27 269. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
28 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

1 270. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

3 271. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

5 272. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

7 273. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
8 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

9 274. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

11 275. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
12 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

13 276. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
14 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

15 277. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
16 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

17 278. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
18 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

19 279. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
20 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

21 280. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
22 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

23 281. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
24 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

25 282. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
26 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

27 283. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
28 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

1 284. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

3 285. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

5 286. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

7 287. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
8 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

9 288. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

11 289. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
12 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

13 290. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
14 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

15 291. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
16 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

17 292. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
18 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

19 293. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
20 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

21 294. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
22 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

23 295. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
24 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

25 296. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
26 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

27 297. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
28 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

1 298. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

3 299. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

5 300. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

7 301. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
8 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

9 302. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

11 303. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
12 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

13 304. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
14 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

15 305. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
16 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

17 306. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
18 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

19 307. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
20 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

21 308. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
22 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

23 309. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
24 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

25 310. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
26 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

27 311. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
28 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

1 312. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in these paragraphs of the Complaint and on that basis denies them.

3 313. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
5 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
6 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
7 them.

8 314. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
9 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

10 315. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
11 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

12 316. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
13 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

14 317. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
15 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
16 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
17 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
18 them.

19 318. This paragraph of the Complaint sets forth legal conclusions to which no response is
20 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
21 information sufficient to form a belief about the truth of the allegations in this paragraph of the
22 Complaint and on that basis denies them.

23 319. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
24 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

25 320. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
26 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

27 321. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
28 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than

1 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
2 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
3 them.

4 322. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
5 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
6 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
7 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
8 them.

9 323. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
11 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
12 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
13 them.

14 324. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
15 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
16 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
17 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
18 them.

19 325. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
20 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

21 326. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
22 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
23 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
24 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
25 them.

26 327. This paragraph of the Complaint contains characterizations, legal argument, and
27 conclusions to which no response is necessary. To the extent that a response is required, NEC
28

1 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
2 allegations in this paragraph of the Complaint and on that basis denies them.

3 328. This paragraph of the Complaint contains characterizations, legal argument, and
4 conclusions to which no response is necessary. To the extent that a response is required, NEC
5 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
6 allegations in this paragraph of the Complaint and on that basis denies them.

7 329. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
8 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
9 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
10 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA admits that
11 it has significant experience manufacturing and selling tantalum capacitors, but otherwise denies the
12 allegations in this paragraph of the Complaint.

13 330. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
14 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

15 331. NEC TOKIN AMERICA admits that some raw materials necessary to manufacture
16 certain types of capacitors are available only from limited suppliers, but otherwise denies the
17 allegations in this paragraph of the Complaint.

18 332. NEC TOKIN AMERICA admits that tantalum is used to produce tantalum capacitors,
19 but otherwise denies the allegations in this paragraph of the Complaint.

20 333. NEC TOKIN AMERICA admits that tantalum has been designated a “conflict
21 mineral” subject to certain reporting requirements, but otherwise denies the allegations in this
22 paragraph of the Complaint.

23 334. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
24 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

25 335. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
26 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

27 336. This paragraph of the Complaint contains characterizations, legal argument, and
28 conclusions to which no response is necessary. To the extent that a response is required, NEC

1 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
2 allegations in this paragraph of the Complaint and on that basis denies them.

3 337. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

5 338. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
7 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
8 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA admits that
9 KEMET Electronics Corporation sells certain capacitors manufactured by NEC TOKIN, but
10 otherwise denies the allegations in this paragraph of the Complaint.

11 339. NEC TOKIN AMERICA admits that in some circumstances certain capacitors
12 manufactured by some capacitor manufacturers may be substituted for certain capacitors
13 manufactured by a different manufacturer, but otherwise lacks knowledge or information sufficient to
14 form a belief about the truth of the allegations in this paragraph of the Complaint and on that basis
15 denies them.

16 340. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
17 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

18 341. NEC TOKIN AMERICA admits that in some circumstances certain capacitors
19 manufactured by some capacitor manufacturers may be substituted for certain capacitors
20 manufactured by a different manufacturer, but otherwise lacks knowledge or information sufficient to
21 form a belief about the truth of the allegations in this paragraph of the Complaint and on that basis
22 denies them.

23 342. This paragraph of the Complaint contains characterizations, legal argument, and
24 conclusions to which no response is necessary. To the extent that a response is required, NEC
25 TOKIN AMERICA admits that in some circumstances certain capacitors manufactured by some
26 capacitor manufacturers may be substituted for certain capacitors manufactured by a different
27 manufacturer, but otherwise lacks knowledge or information sufficient to form a belief about the truth
28 of the allegations in this paragraph of the Complaint and on that basis denies them.

1 343. This paragraph of the Complaint contains characterizations, legal argument, and
2 conclusions to which no response is necessary. To the extent that a response is required, NEC
3 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
4 allegations in this paragraph of the Complaint and on that basis denies them.

5 344. This paragraph of the Complaint contains characterizations, legal argument, and
6 conclusions to which no response is necessary. To the extent that a response is required, NEC
7 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
8 allegations in this paragraph of the Complaint and on that basis denies them.

9 345. NEC TOKIN AMERICA admits that capacitors are often a comparatively inexpensive
10 cost input in electrical devices, and admits that some capacitors are used in the production of high-
11 cost electronic products, some of which are sold in the United States, but otherwise lacks knowledge
12 or information sufficient to form a belief about the truth of the allegations in this paragraph of the
13 Complaint and on that basis denies them.

14 346. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
15 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

16 347. This paragraph of the Complaint contains characterizations, legal argument, and
17 conclusions to which no response is necessary. To the extent that a response is required, NEC
18 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
19 allegations in this paragraph of the Complaint and on that basis denies them.

20 348. This paragraph of the Complaint contains characterizations, legal argument, and
21 conclusions to which no response is necessary. To the extent that a response is required, NEC
22 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
23 allegations in this paragraph of the Complaint and on that basis denies them.

24 349. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
25 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

26 350. This paragraph of the Complaint contains characterizations, legal argument, and
27 conclusions to which no response is necessary. To the extent that a response is required, NEC
28

1 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
2 allegations in this paragraph of the Complaint and on that basis denies them.

3 351. This paragraph of the Complaint contains characterizations, legal argument, and
4 conclusions to which no response is necessary. To the extent that a response is required, NEC
5 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
6 allegations in this paragraph of the Complaint and on that basis denies them.

7 352. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
8 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

9 353. To the extent that this paragraph of the Complaint is referencing documents, those
10 documents state whatever they state. NEC TOKIN AMERICA lacks knowledge or information
11 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint and on
12 that basis denies them.

13 354. This paragraph of the Complaint contains characterizations, legal argument, and
14 conclusions to which no response is necessary. To the extent that a response is required, NEC
15 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
16 allegations in this paragraph of the Complaint and on that basis denies them.

17 355. This paragraph of the Complaint contains characterizations, legal argument, and
18 conclusions to which no response is necessary. To the extent that a response is required, NEC
19 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
20 allegations in this paragraph of the Complaint and on that basis denies them.

21 356. This paragraph of the Complaint contains characterizations, legal argument, and
22 conclusions to which no response is necessary. To the extent that a response is required, NEC
23 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
24 allegations in this paragraph of the Complaint and on that basis denies them.

25 357. This paragraph of the Complaint contains characterizations, legal argument, and
26 conclusions to which no response is necessary. To the extent that a response is required, NEC
27 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
28 allegations in this paragraph of the Complaint relating to defendants other than NEC TOKIN

1 AMERICA and on that basis denies them. To the extent the allegations in this paragraph of the
2 Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies them.

3 358. This paragraph of the Complaint contains characterizations, legal argument, and
4 conclusions to which no response is necessary. To the extent that a response is required, NEC
5 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
6 allegations in this paragraph of the Complaint relating to defendants other than NEC TOKIN
7 AMERICA and on that basis denies them. To the extent the allegations in this paragraph of the
8 Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies them.

9 359. This paragraph of the Complaint contains characterizations, legal argument, and
10 conclusions to which no response is necessary. To the extent that a response is required, NEC
11 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
12 allegations in this paragraph of the Complaint and on that basis denies them.

13 360. This paragraph of the Complaint contains characterizations, legal argument, and
14 conclusions to which no response is necessary. To the extent that a response is required, NEC
15 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
16 allegations in this paragraph of the Complaint and on that basis denies them.

17 361. This paragraph of the Complaint contains characterizations, legal argument, and
18 conclusions to which no response is necessary. To the extent that a response is required, NEC
19 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
20 allegations in this paragraph of the Complaint relating to defendants other than NEC TOKIN
21 AMERICA and on that basis denies them. To the extent the allegations in this paragraph of the
22 Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies them.

23 362. This paragraph of the Complaint contains characterizations, legal argument, and
24 conclusions to which no response is necessary. To the extent that a response is required, NEC
25 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
26 allegations in this paragraph of the Complaint relating to defendants other than NEC TOKIN
27 AMERICA and on that basis denies them. To the extent the allegations in this paragraph of the
28 Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies them.

1 363. This paragraph of the Complaint contains characterizations, legal argument, and
2 conclusions to which no response is necessary. To the extent that a response is required, NEC
3 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
4 allegations in this paragraph of the Complaint relating to defendants other than NEC TOKIN
5 AMERICA and on that basis denies them. To the extent the allegations in this paragraph of the
6 Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies them.

7 364. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
8 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

9 365. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

11 366. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
12 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

13 367. This paragraph of the Complaint contains characterizations, legal argument, and
14 conclusions to which no response is necessary. To the extent that a response is required, NEC
15 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
16 allegations in this paragraph of the Complaint relating to defendants other than NEC TOKIN
17 AMERICA and on that basis denies them. To the extent the allegations in this paragraph of the
18 Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies them.

19 368. This paragraph of the Complaint contains characterizations, legal argument, and
20 conclusions to which no response is necessary. To the extent that a response is required, NEC
21 TOKIN AMERICA admits that NEC TOKIN is incorporated in Japan, and that NEC TOKIN
22 AMERICA is a wholly owned subsidiary of NEC TOKIN. NEC TOKIN AMERICA lacks
23 knowledge or information sufficient to form a belief about the truth of the remaining allegations in
24 this paragraph of the Complaint and on that basis denies them.

25 369. NEC TOKIN AMERICA admits that industry analysts have provided some
26 information regarding capacitors. NEC TOKIN AMERICA lacks knowledge or information
27 sufficient to form a belief about the truth of the remaining allegations in this paragraph of the
28 Complaint and on that basis denies them.

1 370. This paragraph of the Complaint contains characterizations, legal argument, and
2 conclusions to which no response is necessary. To the extent that a response is required, NEC
3 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
4 allegations in this paragraph of the Complaint relating to defendants other than NEC TOKIN
5 AMERICA and on that basis denies them. To the extent the allegations in this paragraph of the
6 Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies them.

7 371. This paragraph of the Complaint contains characterizations, legal argument, and
8 conclusions to which no response is necessary. To the extent that a response is required, NEC
9 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
10 allegations in this paragraph of the Complaint relating to defendants other than NEC TOKIN
11 AMERICA and on that basis denies them. To the extent the allegations in this paragraph of the
12 Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies them.

13 372. NEC TOKIN AMERICA admits that the United States (through the Antitrust Division
14 of the United States Department of Justice) has intervened in this case, and has made statements that
15 speak for themselves regarding its investigations in the United States concerning the capacitors
16 industry. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief about
17 the truth of the remaining allegations in this paragraph of the Complaint and on that basis denies
18 them.

19 373. To the extent that this paragraph of the Complaint is referencing documents, those
20 documents state whatever they state. NEC TOKIN AMERICA lacks knowledge or information
21 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint and on
22 that basis denies them.

23 374. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
24 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

25 375. This paragraph of the Complaint contains characterizations, legal argument, and
26 conclusions to which no response is necessary. To the extent that this paragraph of the Complaint is
27 referencing documents, those documents state whatever they state. To the extent that a response is
28

1 required, NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief about
2 the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

3 376. This paragraph of the Complaint contains characterizations, legal argument, and
4 conclusions to which no response is necessary. To the extent that a response is required, NEC
5 TOKIN AMERICA lacks knowledge or information sufficient to form a belief about the truth of the
6 allegations in this paragraph of the Complaint and on that basis denies them.

7 377. To the extent that this paragraph of the Complaint is referencing documents, those
8 documents state whatever they state. NEC TOKIN AMERICA lacks knowledge or information
9 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint and on
10 that basis denies them.

11 378. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
12 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

13 379. To the extent that this paragraph of the Complaint is referencing documents, those
14 documents state whatever they state. NEC TOKIN AMERICA lacks knowledge or information
15 sufficient to form a belief about the truth of the allegations in this paragraph of the Complaint and on
16 that basis denies them.

17 380. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
18 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

19 381. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
20 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

21 382. NEC TOKIN AMERICA admits the allegations in this paragraph of the Complaint.

22 383. NEC TOKIN AMERICA admits the allegations in this paragraph of the Complaint.

23 384. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
24 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

25 385. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
26 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
27 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
28

1 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
2 them.

3 386. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

5 387. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

7 388. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
8 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

9 389. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

11 390. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
12 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

13 391. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
14 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

15 392. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
16 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
17 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
18 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
19 them.

20 393. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
21 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
22 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
23 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
24 them.

25 394. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
26 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

27 395. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
28 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

1 396. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

3 397. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

5 398. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
7 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
8 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
9 them.

10 399. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
11 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
12 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
13 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
14 them.

15 400. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
16 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
17 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
18 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
19 them.

20 401. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
21 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

22 402. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
23 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

24 403. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
25 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
26 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
27 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
28 them.

1 404. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

3 405. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

5 406. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
7 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
8 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
9 them.

10 407. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
11 about the truth of the allegations in this paragraph of the Complaint and on that basis denies them.

12 408. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
13 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
14 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
15 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA admits that
16 after floods destroyed the manufacturing plant of NEC TOKIN's Thai subsidiary in 2011, NEC
17 TOKIN attributed production delays to the destruction of that manufacturing plant, but otherwise
18 denies the allegations in this paragraph of the Complaint.

19 409. NEC TOKIN AMERICA lacks knowledge or information sufficient to form a belief
20 about the truth of the allegations in this paragraph of the Complaint relating to defendants other than
21 NEC TOKIN AMERICA and on that basis denies them. To the extent the allegations in this
22 paragraph of the Complaint relate to NEC TOKIN AMERICA, NEC TOKIN AMERICA denies
23 them.

24 410. This paragraph of the Complaint sets forth legal conclusions to which no response is
25 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
26 information sufficient to form a belief about the truth of the allegations in this paragraph of the
27 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.

1 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
2 NEC TOKIN AMERICA denies them.

3 411. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
4 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
5 therefore no response is necessary.

6 412. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
7 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
8 therefore no response is necessary.

9 413. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
10 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
11 therefore no response is necessary.

12 414. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
13 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
14 therefore no response is necessary.

15 415. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
16 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
17 therefore no response is necessary.

18 416. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
19 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
20 therefore no response is necessary.

21 417. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
22 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
23 therefore no response is necessary.

24 418. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
25 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
26 therefore no response is necessary.
27
28

1 419. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
2 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
3 therefore no response is necessary.

4 420. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
5 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
6 therefore no response is necessary.

7 421. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
8 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
9 therefore no response is necessary.

10 422. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
11 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
12 therefore no response is necessary.

13 423. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
14 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
15 therefore no response is necessary.

16 424. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
17 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
18 therefore no response is necessary.

19 425. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
20 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
21 therefore no response is necessary.

22 426. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
23 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
24 therefore no response is necessary.

25 427. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
26 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
27 therefore no response is necessary.
28

1 428. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
2 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
3 therefore no response is necessary.

4 429. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
5 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
6 therefore no response is necessary.

7 430. This paragraph of the Complaint sets forth legal conclusions to which no response is
8 required. To the extent that a response is required, NEC TOKIN AMERICA denies the allegations in
9 this paragraph of the Complaint. To the extent that this paragraph of the Complaint states allegations
10 by Flextronics, NEC TOKIN AMERICA states that Flextronics has not brought a claim against NEC
11 TOKIN AMERICA, and therefore no response is necessary.

12 431. This paragraph of the Complaint sets forth legal conclusions to which no response is
13 required. To the extent that a response is required, NEC TOKIN AMERICA denies the allegations in
14 this paragraph of the Complaint. To the extent that this paragraph of the Complaint states allegations
15 by Flextronics, NEC TOKIN AMERICA states that Flextronics has not brought a claim against NEC
16 TOKIN AMERICA, and therefore no response is necessary.

17 432. This paragraph of the Complaint sets forth legal conclusions to which no response is
18 required. To the extent that a response is required, NEC TOKIN AMERICA denies the allegations in
19 this paragraph of the Complaint. To the extent that this paragraph of the Complaint states allegations
20 by Flextronics, NEC TOKIN AMERICA states that Flextronics has not brought a claim against NEC
21 TOKIN AMERICA, and therefore no response is necessary.

22 433. This paragraph of the Complaint sets forth legal conclusions to which no response is
23 required. To the extent that a response is required, NEC TOKIN AMERICA denies the allegations in
24 this paragraph of the Complaint. To the extent that this paragraph of the Complaint states allegations
25 by Flextronics, NEC TOKIN AMERICA states that Flextronics has not brought a claim against NEC
26 TOKIN AMERICA, and therefore no response is necessary.

27 434. This paragraph of the Complaint sets forth legal conclusions to which no response is
28 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or

1 information sufficient to form a belief about the truth of the allegations in this paragraph of the
2 Complaint and on that basis denies them. To the extent that this paragraph of the Complaint states
3 allegations by Flextronics, NEC TOKIN AMERICA states that Flextronics has not brought a claim
4 against NEC TOKIN AMERICA, and therefore no response is necessary.

5 435. This paragraph of the Complaint sets forth legal conclusions to which no response is
6 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
7 information sufficient to form a belief about the truth of the allegations in this paragraph of the
8 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
9 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
10 NEC TOKIN AMERICA denies them. To the extent that this paragraph of the Complaint states
11 allegations by Flextronics, NEC TOKIN AMERICA states that Flextronics has not brought a claim
12 against NEC TOKIN AMERICA, and therefore no response is necessary.

13 436. This paragraph of the Complaint sets forth legal conclusions to which no response is
14 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
15 information sufficient to form a belief about the truth of the allegations in this paragraph of the
16 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
17 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
18 NEC TOKIN AMERICA denies them. To the extent that this paragraph of the Complaint states
19 allegations by Flextronics, NEC TOKIN AMERICA states that Flextronics has not brought a claim
20 against NEC TOKIN AMERICA, and therefore no response is necessary.

21 437. This paragraph of the Complaint sets forth legal conclusions to which no response is
22 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
23 information sufficient to form a belief about the truth of the allegations in this paragraph of the
24 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
25 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
26 NEC TOKIN AMERICA denies them. To the extent that this paragraph of the Complaint states
27 allegations by Flextronics, NEC TOKIN AMERICA states that Flextronics has not brought a claim
28 against NEC TOKIN AMERICA, and therefore no response is necessary.

1 438. This paragraph of the Complaint sets forth legal conclusions to which no response is
2 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
3 information sufficient to form a belief about the truth of the allegations in this paragraph of the
4 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
5 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
6 NEC TOKIN AMERICA denies them.

7 439. This paragraph of the Complaint sets forth legal conclusions to which no response is
8 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
9 information sufficient to form a belief about the truth of the allegations in this paragraph of the
10 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
11 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
12 NEC TOKIN AMERICA denies them. To the extent that this paragraph of the Complaint states
13 allegations by Flextronics, NEC TOKIN AMERICA states that Flextronics has not brought a claim
14 against NEC TOKIN AMERICA, and therefore no response is necessary.

15 440. This paragraph of the Complaint sets forth legal conclusions to which no response is
16 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
17 information sufficient to form a belief about the truth of the allegations in this paragraph of the
18 Complaint relating to defendants other than NEC TOKIN AMERICA and on that basis denies them.
19 To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN AMERICA,
20 NEC TOKIN AMERICA denies them. To the extent that this paragraph of the Complaint states
21 allegations by Flextronics, NEC TOKIN AMERICA states that Flextronics has not brought a claim
22 against NEC TOKIN AMERICA, and therefore no response is necessary.

23 441. This paragraph of the Complaint sets forth legal conclusions to which no response is
24 required. To the extent that a response is required, NEC TOKIN AMERICA denies the allegations in
25 this paragraph of the Complaint. To the extent that this paragraph of the Complaint states allegations
26 by Flextronics, NEC TOKIN AMERICA states that Flextronics has not brought a claim against NEC
27 TOKIN AMERICA, and therefore no response is necessary.
28

1 442. This paragraph of the Complaint sets forth legal conclusions to which no response is
2 required. To the extent that a response is required, NEC TOKIN AMERICA lacks knowledge or
3 information sufficient to form a belief about the truth of the allegations in this paragraph of the
4 Complaint relating to person and entities Other than NEC TOKIN AMERICA and on that basis
5 denies them. To the extent the allegations in this paragraph of the Complaint relate to NEC TOKIN
6 AMERICA, NEC TOKIN AMERICA denies them. To the extent that this paragraph of the
7 Complaint states allegations by Flextronics, NEC TOKIN AMERICA states that Flextronics has not
8 brought a claim against NEC TOKIN AMERICA, and therefore no response is necessary.

9 443. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
10 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
11 therefore no response is necessary.

12 444. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
13 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
14 therefore no response is necessary.

15 445. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
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17 therefore no response is necessary.

18 446. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
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20 therefore no response is necessary.

21 447. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
22 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
23 therefore no response is necessary.

24 448. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
25 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
26 therefore no response is necessary.
27
28

1 449. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
2 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
3 therefore no response is necessary.

4 450. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
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6 therefore no response is necessary.

7 451. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
8 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
9 therefore no response is necessary.

10 452. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
11 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
12 therefore no response is necessary.

13 453. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
14 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
15 therefore no response is necessary.

16 454. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
17 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
18 therefore no response is necessary.

19 455. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
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21 therefore no response is necessary.

22 456. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
23 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
24 therefore no response is necessary.

25 457. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
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27 therefore no response is necessary.
28

1 458. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
2 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
3 therefore no response is necessary.

4 459. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
5 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
6 therefore no response is necessary.

7 460. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
8 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
9 therefore no response is necessary.

10 461. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
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12 therefore no response is necessary.

13 462. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
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15 therefore no response is necessary.

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17 AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and
18 therefore no response is necessary.

19 464. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
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21 therefore no response is necessary.

22 465. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN
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24 therefore no response is necessary.

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27 therefore no response is necessary.
28

467. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and therefore no response is necessary.

468. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and therefore no response is necessary.

469. This paragraph of the Complaint states allegations by Flextronics; NEC TOKIN AMERICA states that Flextronics has not brought a claim against NEC TOKIN AMERICA, and therefore no response is necessary.

XIII. DEMAND FOR JUDGMENT

A. This paragraph of the Complaint sets forth legal conclusions to which no response is required. To the extent that a response is required, NEC TOKIN AMERICA denies the allegations in this paragraph of the Complaint.

B. This paragraph of the Complaint sets forth legal conclusions to which no response is required. To the extent that a response is required, NEC TOKIN AMERICA denies the allegations in this paragraph of the Complaint.

C. This paragraph of the Complaint sets forth legal conclusions to which no response is required. To the extent that a response is required, NEC TOKIN AMERICA denies the allegations in this paragraph of the Complaint.

D. This paragraph of the Complaint sets forth legal conclusions to which no response is required. To the extent that a response is required, NEC TOKIN AMERICA denies the allegations in this paragraph of the Complaint.

E. This paragraph of the Complaint sets forth legal conclusions to which no response is required. To the extent that a response is required, NEC TOKIN AMERICA denies the allegations in this paragraph of the Complaint.

F. This paragraph of the Complaint sets forth legal conclusions to which no response is required. To the extent that a response is required, NEC TOKIN AMERICA denies the allegations in this paragraph of the Complaint.

1 G. This paragraph of the Complaint sets forth legal conclusions to which no response is
2 required. To the extent that a response is required, NEC TOKIN AMERICA denies the allegations in
3 this paragraph of the Complaint.

4 H. This paragraph of the Complaint sets forth legal conclusions to which no response is
5 required. To the extent that a response is required, NEC TOKIN AMERICA denies the allegations in
6 this paragraph of the Complaint.

7 I. This paragraph of the Complaint states legal conclusions by Flextronics. Flextronics
8 has not brought a claim against NEC TOKIN AMERICA, and therefore no response is necessary.

9 **AFFIRMATIVE AND OTHER DEFENSES**

10 As stated in its Answer above, NEC TOKIN AMERICA does not admit any liability, or that
11 Plaintiffs or any members of the alleged class have been injured or damaged in any way, or that
12 Plaintiffs or any members of the alleged class are entitled to any relief whatsoever. Nevertheless,
13 NEC TOKIN AMERICA pleads in the alternative the following affirmative defenses. NEC TOKIN
14 AMERICA does not assume the burden of proof for any issue as to which applicable law places the
15 burden upon Plaintiffs and members of the alleged class. As affirmative and other defenses to the
16 averments contained in the Complaint, NEC TOKIN AMERICA states as follows:

17 1. The Complaint fails, in whole or in part, to state a claim upon which relief can be
18 granted.

19 2. Plaintiffs' claims and the claims of the members of the alleged class are barred, in
20 whole or in part, by the applicable statutes of limitations. 15 U.S.C. § 15b. Plaintiffs filed this action
21 on July 18, 2014. If and to the extent there was a violation of Section 1 of the Sherman Act prior to
22 July 18, 2010, which NEC TOKIN AMERICA denies, Plaintiffs and the members of the alleged class
23 failed to bring this action within four years after the cause of action accrued.

24 3. Plaintiffs' claims and the claims of the members of the alleged class are barred, in
25 whole or in part, because the Complaint fails to plead conspiracy or fraud with the particularity
26 required under applicable law.

1 4. Plaintiffs' claims and the claims of the members of the alleged class are barred, in
2 whole or in part, because the Complaint fails to plead fraudulent concealment with the particularity
3 required by Rule 9(b) of the Federal Rules of Civil Procedure or under other applicable law.

4 5. Plaintiffs and the members of the alleged class lack standing (whether constitutional or
5 required by statute) to bring this action.

6 6. Plaintiffs' claims and the claims of the members of the alleged class are barred, in
7 whole or in part, because Plaintiffs and the members of the alleged class have suffered no antitrust
8 injury.

9 7. Plaintiffs' claims and the claims of the members of the alleged class may not properly
10 be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure.

11 8. Plaintiffs' claims and the claims of the members of the alleged class are barred, in
12 whole or in part, because the named Plaintiffs are not proper class representatives.

13 9. Plaintiffs' claims and the claims of the members of the alleged class are improperly
14 joined within the meaning of the Federal Rule of Civil Procedure 20 or 23 because they did not arise
15 out of the same transaction, occurrence, or series of transactions or occurrences, and/or do not
16 involve questions of law or fact common to all defendants.

17 10. To the extent the Complaint seeks relief with respect to purchases of capacitors
18 outside of the United States, Plaintiffs' claims and the claims of the members of the alleged class are
19 barred, in whole or in part, by the Foreign Trade Antitrust Improvements Act, 15 U.S.C. § 6a. Such
20 purchases do not constitute import trade or commerce; nor do such purchases have a direct,
21 substantial, and reasonably foreseeable effect on trade or commerce that is not trade or commerce
22 with foreign nations or on import trade or commerce; nor do they give rise to a claim under the
23 Sherman Act.

24 11. Plaintiffs attempt to allege a conspiracy spanning eleven or more years that they claim
25 resulted in their paying higher prices for the products in issue. Plaintiffs allege no facts that explain
26 or justify their delay in bringing this lawsuit. To the extent Plaintiffs and the members of the alleged
27 class could have brought essentially the same suit years earlier, Plaintiffs' claims and the claims of
28 the members of the alleged class are barred, in whole or in part, by estoppel and laches.

1 12. Plaintiffs' claims and the claims of the members of the alleged class are barred, in
2 whole or in part, to the extent Plaintiffs or members of the alleged class would be unjustly enriched if
3 they were allowed to recover any part of the alleged damages.

4 13. Plaintiffs' claims and the claims of the members of the alleged class are barred, in
5 whole or in part, because the alleged damages, if any, are too remote or speculative to allow recovery,
6 and because of the impossibility of ascertaining and allocating those alleged damages with reasonable
7 certainty.

8 14. Plaintiffs' claims and the claims of the members of the alleged class are barred to the
9 extent any recovery by Plaintiffs or members of the alleged class would be duplicative of recovery by
10 other plaintiffs and other lawsuits, subjecting NEC TOKIN AMERICA to the possibility of multiple
11 recovery; such recovery is barred by the Fifth and Eighth Amendments to the United States
12 Constitution.

13 15. Plaintiffs' claims and the claims of the members of the alleged class are barred to the
14 extent their alleged damages were caused solely or proximately by market conditions or the acts and
15 omissions of others and were not the result of any act or omission attributable to the defendants.

16 16. Plaintiffs' claims and the claims of the members of the alleged class are barred to the
17 extent Plaintiffs or members of the alleged class failed to take all necessary, reasonable, and
18 appropriate actions to mitigate their alleged damages, if any. Alternatively, any damages sustained
19 by Plaintiffs and members of the alleged class, which NEC TOKIN AMERICA denies, must be
20 reduced by the amount that such damages would have been reduced had Plaintiffs and the members
21 of the alleged class exercised reasonable diligence in mitigating their damages.

22 17. Plaintiffs' claims and the claims of the members of the alleged class are barred, in
23 whole or in part, by the voluntary payment doctrine, under which one cannot recover payments with
24 full knowledge of the facts.

25 18. Plaintiffs' claims and the claims of the members of the alleged class are barred to the
26 extent the actions or practices of NEC TOKIN AMERICA that are subject of the Complaint were
27 undertaken unilaterally for legitimate business reasons and in pursuit of NEC TOKIN AMERICA's
28

1 independent interests and those of its customers, and were not the product of any contract,
2 combination or conspiracy between NEC TOKIN AMERICA and any other person or entity.

3 19. Plaintiffs' claims and the claims of the members of the alleged class against NEC
4 TOKIN AMERICA are barred to the extent Plaintiffs and the members of the alleged class have
5 agreed to arbitration, agreed to a different forum for the resolution of their claims, or waived a jury
6 trial. This Court lacks jurisdiction to adjudicate any claim covered by any such agreement.

7 20. Without admitting the existence of the conspiracy as alleged in the Complaint, NEC
8 TOKIN AMERICA is entitled to set off against any award of damages any amounts paid to Plaintiffs
9 or the members of the alleged class by any person or entity other than NEC TOKIN AMERICA who
10 has settled, or does settle, Plaintiffs' claims or the claims of the members of the alleged class.

11 21. Plaintiffs' claims and the claims of the members of the alleged class for injunctive
12 relief are barred to the extent Plaintiffs or the members of the alleged class have available an
13 adequate remedy at law and there is no threat of present, future, or continuing harm, and to the extent
14 injunctive relief otherwise is inequitable.

15 22. Plaintiffs' claims and the claims of the members of the alleged class are barred to the
16 extent that Plaintiffs and the members of the alleged class did not purchase capacitors directly from
17 Defendants, because they are indirect purchasers and barred from maintaining an action under 15
18 U.S.C. § 1 for alleged injuries in that capacity.

19 23. NEC TOKIN AMERICA adopts by reference any defense pleaded by any other
20 defendant not otherwise expressly set forth herein.

21 24. NEC TOKIN AMERICA hereby gives notice that it intends to rely upon such other
22 and further defenses as may become available or apparent during pre-trial proceedings in this case,
23 and hereby reserves its rights to amend this Answer and assert such defenses.

24 **JURY DEMAND**

25 Pursuant to Federal Rule of Civil Procedure 38(b), NEC TOKIN AMERICA demands a trial
26 by jury of all the claims asserted in the Complaint and in NEC TOKIN AMERICA's affirmative
27 defenses that are triable by jury.

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CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2015, I caused to be electronically filed the following ANSWER AND AFFIRMATIVE DEFENSES OF NEC TOKIN AMERICA, INC. TO SECOND AMENDED CONSOLIDATED COMPLAINT with the Clerk of the Court via CM/ECF. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing systems.

By: /s/ Matthew Parrott
Matthew Parrott